

FILED IN OFFICE
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA

2019 FEB 11 PM 2:33

RICHARD ALEXANDER, CLERK

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

MIDGLADIS J. GRECO,

Plaintiff,

v.

NEWREZ LLC, F/K/A
NEW PENN FINANCIAL, LLC,
D/B/A SHELLPOINT MORTGAGE SERVICING,
and THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE FOR
THE CERTIFICATEHOLDERS
OF THE CWABS, INC., ASSET-BACKED
CERTIFICATES, SERIES 2005-IM1

Defendants.

CIVIL ACTION FILE NO.

19 A01203-10

COPY

MOTION FOR AN EX PARTE
TEMPORARY RESTRAINING ORDER AND
FOR AN INTERLOCUTORY INJUNCTION

In accordance with O.C.G.A. § 9-11-65(B), the named Petitioner applies, *ex parte*, for a temporary restraining order and an interlocutory injunction against the named Respondent pending the final determination of this action.

Petitioner shows that immediate and irreparable injury, loss, or damage will result to Petitioner before Respondent or its/his/her/their counsel can be heard in opposition, as shown, in the verified complaint contemporaneously herewith. The actions sought to enjoined are set forth as follows:

1. Public auction of Petitioner's Home;
2. Issuance of Deed Under Power of Sale; or,
3. Encumbrance of the Home;
4. Any steps towards securing possession of the Home.

Incorporated by this reference as Attachment "A" is a certificate showing the efforts that have been made to give notice to Respondent or its/his/her/their counsel and the reasons that additional notice or delay should not be required.

The grounds for the application for an interlocutory injunction that without relief requested Petitioner will suffer imminent or immediate and irreparable injury, loss, or damage, any legal remedy would be inadequate, and the status quo would not be maintained pending the final determination of this action.

WHEREFORE, Petitioner respectfully prays for a hearing at the Court's earliest pleasure on this application, and that, after that, after considering the evidence and argument, this Honorable Court forthwith issue a temporary restraining order, and set down a hearing on the application for an interlocutory injunction within 30 days of the issuance of the temporary restraining order.

RESPECTFULLY SUBMITTED This 8th Day of February 2019.

By: 

MIDGLADIS J. GRECO

2450 Walnut Grove Way, Suwanee, GA 30024

PHONE NUMBER (404) 630-0746

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**CERTIFICATE OF SERVICE OF VERIFIED DECLARATORY JUDGMENT
AND MOTION FOR AN EX PARTE TEMPORARY RESTRAINING ORDER
AND FOR AN INTERLOCUTORY INJUNCTION AND LIS PENDENS**

This is to certify that I have this day served all opposing counsel and / or opposing party(ies), pro se, with a true and accurate copy of the attached document(s), to wit:

- 1- Motion for an Ex Parte Temporary Restraining Order and For an Interlocutory Injunction.
- 2- Verified Complaint For Declaratory Judgment.
- 3- Lis Pendens

By one or more of the following methods:

☒ Via Facsimile to the following numbers:

- STERN & EISENBERG SOUTHERN, PC FAX # 443-815-3931
- NEWREZ LLC, F/K/A NEW PENN FINANCIAL, LLC, D/B/A SHELLPOINT MORTGAGE SERVICING FAX # 866-467-1187
- Consumer Financial Protection Bureau Fax: 855-237-2392
- Christopher M. Carr Attorney General of Georgia Fax: 404- 657-8733
- Comptroller of the Currency Customer Assistance Group Fax: 713-336-4301
- Federal Deposit Insurance Corporation Fax: 703-812-1020

☒ Placing same in an envelope and depositing same in the U.S Mail proper postage prepaid on:

- NEWREZ LLC, F/K/A NEW PENN FINANCIAL, LLC, D/B/A SHELLPOINT MORTGAGE SERVICING Registered Agent in the State of Georgia as CORPORATION SERVICE COMPANY, with Physical Address at 40 TECHNOLOGY PARKWAY SOUTH, SUITE 300, NORCROSS, GA, 30092, USA.

RESPECTFULLY SUBMITTED This 8th Day of February 2019.

By: 

MIDGLADIS J. GRECO / 2450 Walnut Grove Way, Suwanee, GA 30024 / PHONE NUMBER (404) 630-0746